IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

Con.Case(C).No. 1150 of 2006(S)

AGAINST THE JUDGEMENT IN COC.693/2005 Dated 16/03/2006
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PETITIONERS:
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1. C. SOBHANA,
   JUNIOR CLERK, W/O. K.NARAYANAN, AGED 54 YEARS,
   POOKKOT GIRIJAN COLLECTIVE FARMING CO-OP.SOCIETY
   LTD.NO.D.2308, POOKKOT.

2. J.K. JAYAPRAKASINI,
   WIDOW OF K.SAHADEVAN, AGED 49 YEARS,
   AGRICULTURAL ASSISTANT -DO- -DO-, DREAMS HOUSE,
   WAYANADU.

3. K.V. MATHEW,
   AGRICULTURAL ASSISTANT, S/O. VARGHESE,
   AGED 55 YEARS, POOKKOT GIRIJAN COLLECTIVE FARMING
   CO-OP.SOCIETY LTD.NO.2308, POOKKOT, WAYANADU.

4. C.K. KUMARAN,
   DIARY SUPERVISOR, S/O. KUNJIRAMAN, AGED 47 YEARS,
   POOKKOT GIRIJAN COLLECTIVE FARMING CO-OP.SOCIETY
   LTD.NO.2308, POOKKOT, WAYANADU.

5. K.K. BABURAJAN,
   CLERICAL ATTENDER, S/O. AYYAPPAN, AGED 47 YEARS,
   POOKKOT GIRIJAN COLLECTIVE FARMING CO-OP.SOCIETY
   LTD.NO.2308, POOKKOT, WAYANADU.

6. A.M. DIVAKARAN,
   FIELD ATTENDER, S/O. MUNDAN, AGED 55 YEARS,
   POOKKOT GIRIJAN COLLECTIVE FARMING CO-OP.SOCIETY
   LTD.NO.2308, POOKKOT, WAYANADU.

7. K.V. KARTHYANI,
   PEON, W/O. JOSE, VANANDAN, AGED 46 YEARS, POOKKOT
   GIRIJAN COLLECTIVE FARMING CO-OP.SOCIETY LTD.
   NO.2308, POOKKOT, WAYANADU.

8. K.CHANDRASEKHARAN NAIR,

WATCHMAN, S/O.K.P.KRISHNAN NAIR, AGED 58 YEARS,
POOKKOT GIRIJAN COLLECTIVE FARMING CO-OP.SOCIETY
LTD.NO.2308, POOKKOT, WAYANADU.

9. RAMBAHADUR,
WATCHMAN, S/O. RATHIVALLY, AGED 56 YEARS,
POOKKOT GIRIJAN COLLECTIVE FARMIING CO-OP. SOCIETY
LTD.NO.2308, POOKKOT, WAYANADU.

10. S.P. BHASKARAN,
WATCHMAN, S/O. POKKAN, AGED 55 YEARS,
POOKKOT GIRIJAN COLLECTIVE FARMING CO-OP.SOCIETY
LTD.NO.2308, POOKKOT, WAYANADU.

11. T. BABU,
MILKER, S/O. KURIAKOSE, AGED 53 YEARS,
POOKKOT GIRIJAN COLLECTIVE FARMIING CO-OP.SOCIETY
LTD.NO.2308, POOKKOT, WAYANADU.

BY ADV. SRI.P.P.JACOB

RESPONDENTS:
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1. ROMANUS HORO, I.A.S.,
FATHER'S NAME NOT KNOWN, AGED ABOUT 53 YEARS,
PRINCIPAL SECRETARY, SC/ST DEVELOPMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. T.T. ANTONY, I.A.S.,
DIRECTOR, FATHER'S NAME NOT KNOWN, AGED ABOUT 49,
TRIBAL DEVELOPMENT DEPARTMENT, VIKAS BHAVAN,
THIRUVANANTHAPURAM.

3. VIJAYAKRISHNAN, I.A.S.,
FATHER'S NAME NOT KNOWN, AGED ABOUT 55 YEARS,
DISTRICT COLLECTOR/CHAIRMAN, POOKKOT GIRIJAN
COLLECTIVE FARMING CO-OP.SOCIETY LTD.NO.2308,
POOKKOT, WAYANADU.

4. VENUGOPALAN NAIR,
FATHER'S NAME NOT KNOWN, AGED ABOUT 55 YEARS,
PROJECT OFFICER, I.T.D.P., MANAGING DIRECTOR
IN-CHARGE, POOKKOT GIRIJAN COLLECTIVE FARMING
CO-OP.SOCIETY LTD.NO.2308, POOKKOT, WAYANADU.

BY SPL. GOVERNMENT PLEADER SRI C.T.RAVIKUMAR

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

Cont. Case (C) No. 1150 of 2006

Dated, this the 17th day of July, 2007

JUDGMENT

H.L. DATTU, CJ.

The complainant is before us in this contempt petition filed under section 12 of the Contempt of Court Act inter alia bringing to our notice that the respondents have disobeyed the orders and directions issued by this court in Cont. Case (C) No.693 of 2005 dated 16th March, 2006.

2. In the aforesaid order the learned Single Judge while disposing of the contempt petition has observed as under:

> "Therefore, this C.C.C. Is closed with a direction to the respondents to see that the petitioners are paid their wages for the actual days they worked during the pendency of the scheme for retrenchment. The above direction shall be complied with within a period of two months from the date of production of a copy of this judgment."

3. After the disposal of the contempt petition the Principal Secretary to the Government has passed an order dated 11.8.2006. In the said order they have denied their liability to pay any wages to the petitioners.

4. In view of the aforesaid order passed by the Principal Secretary, we are of the opinion that there is neither deliberate nor willful disobedience of the orders and directions issued by this court. Therefore, we need not have to proceed further in this contempt proceedings. Accordingly it requires to be dropped and it is dropped. However, liberty is reserved to the petitioners, if they so desire, to question the correctness or otherwise of the orders passed by the

Principal Secretary to the Government of Kerala dated 11.8.2006 before the appropriate forum. Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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